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| APPLICATION NO.                  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|----------------------------------|-------------|------------------------|-----------------------|------------------|
| 10/620,254                       | 07/15/2003  | Joseph H. Matthews III | MS1-0093USC2          | 9753             |
| 22801                            | 7590        | 07/01/2008             | EXAMINER              |                  |
| LEE & HAYES PLLC                 |             |                        | NGUYEN BA, HOANG VU A |                  |
| 421 W RIVERSIDE AVENUE SUITE 500 |             |                        |                       |                  |
| SPOKANE, WA 99201                |             |                        | ART UNIT              | PAPER NUMBER     |
|                                  |             |                        | 2623                  |                  |
|                                  |             |                        | MAIL DATE             | DELIVERY MODE    |
|                                  |             |                        | 07/01/2008            | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/620,254             | MATTHEWS ET AL.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Hoang-Vu A. Nguyen-Ba  | 2623                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 47-49 and 51-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 47-49 and 51-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/23/08, 4/10/08</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This action is responsive to the application filed February 14, 2008.
2. Claims 47-49 and 51-54 are pending. Claims 47, 49 and 54 are independent claims.

### ***Response to Amendments***

3. Per Applicants' request, Claims 47, 49, 51-54 have been amended; Claim 50 has been canceled.
4. The objection to the specification is withdrawn in view of Applicants' amendments to the specification to correct the identified informalities.
5. The rejection of Claims 49-53 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is withdrawn in view of Applicants' amendment to these claims.
6. The rejection of Claims 47-49 and 51-54 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the identified claims of U.S. Patent No. 6,631,523; 6,025,837; 6,240,555 and co-pending application no. 10/832,765 is withdrawn in view of Applicants' filing of respective and proper terminal disclaimers.

### ***Response to Arguments***

7. Applicants' arguments in the Remarks section of the Amendment filed February 14, 2008 have been fully considered but they are moot in view of the new grounds of rejection necessitated by Applicants' amendments.

***Information Disclosure Statement***

8. The Office acknowledges receipt of the Information Disclosure Statements filed April 10, 2008. They have been placed in the application file and the information referred to therein has been considered.

***Claim Objection***

9. Claim 51 is objected to because the claim language indicates that the claim depends upon Claim 50 that has been canceled. For compact prosecution purposes, Claim 51 is interpreted to depend from Claim 49.

Appropriate correction is required.

***Claim Rejections – 35 USC § 103***

10. The following is a quotation of the 35 U.S.C. § 103(a) which form the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 47-49 and 51-54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,589,892 to Knee in view of U.S. Patent No. 5,8181,441 to Throckmorton.

### **Claim 47**

Knee discloses at least *a user interface unit* (see at least FIG. 1) *comprising:*  
*a processor* (see at least FIG. 1, component 16);  
*an electronic programming guide (EPG) executing on the processor* (see at least 11:32-46) *to:*  
*organize programming information* (see at least 19:14-19), *including*  
*correlating universal resource locators (URLs) with particular programs in the EPG,*  
*the URLs identifying target resources that contain supplemental information related to*  
*the particular programs* (see at least FIG. 20, item 203; 20:3-12; 46:1-8;  
47:19-21; it is noted that the URL is interpreted to be a path information  
to locate another document and in this instance the icon *i* contains a  
path location information to other program listings).

Knee does not specifically disclose that the URLs are of *Internet URLs* and that  
the EPG to:

*enable a user of the user interface to enter additional URLs identifying target*  
*resources that contain supplemental information related to the particular program.*

However, in an analogous art, Throckmorton teaches a system that allows  
additional interactivity by adding a two way communication channel to the user  
interface so that online services or the Internet may be accessed using associated data  
that contains pointers to locations (Internet URLs) in the online services or the  
Internet which are relevant to the TV program (see at least Abstract; FIG. 5; 3:55-67;  
6:54 - 7:12; 7:36-52; 8:16 - 9:25).

It would have been obvious to a person having ordinary skill in the art at the  
time the invention was made to combine Throckmorton with Knee because this  
combination would allow a user using the Knee system to enter additional URLs in  
the interface provided by Throckmorton to access to online services or the Internet

for supplemental information related to TV programs, thereby enhancing the effectiveness of EPG taught in Knee.

The combination Knee-Throckmorton further discloses:

*the processor being programmed to search the EPG and identify the particular programs having correlated URLs as interactive programs* (Free; see at least 34:12-34).

### **Claim 48**

The combination Knee-Throckmorton further discloses *a visual display* (see at least FIG. 1, item 27 and 9:49-58), *the processor being programmed to compile a list of the interactive programs and present the list of interactive programs on the visual display* (see at least FIG. 51, item 530 with the display of “?” icon associated with each of the listed programs; 20:3-13).

### **Claim 49**

Knee discloses at least *a tangible computer-readable medium encoded with computer-executable instructions* (see at least FIG. 1, item 21 in view of 10:56-70) *configured for:*

*designating data fields in an electronic programming guide (EPG) to hold programming information* (see at least FIG. 18, item 185; 11:31-39; 20:3-11);  
*compiling a list of interactive programs, wherein each interactive program in the list is a program having an associated target specification; and*  
*presenting the list of interactive programs through [an] the EPG user interface (UI) supported by the EPG.*

Knee does not specifically disclose the remaining features of the claim.

However, in an analogous art, Throckmorton discloses:

*dedicating one of the data fields as a supplemental content field* (see at least FIG. 5; 3:3-5; 3:55-67; 4:28-33; 7:15-20; 7:36-45; 8:1-9:25);

*entering a target specification into the supplemental content field to correlate supplemental content with a program, the target specification identifying a location for the supplemental content, wherein the entering a target specification into the supplemental content field comprises receiving the target specification from a viewer accessing an EPG user interface (UI) supported by the EPG (see at least FIG. 5; 3:3-5; 3:55-67; 4:28-33; 7:15-20; 7:36-45; 8:1-9:25).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Throckmorton in Knee because the use of Throckmorton would allow a user using the Knee system to enter additional URLs in the interface provided by Throckmorton to access to online services or the Internet for supplemental information related to TV programs, thereby enhancing the effectiveness of EPG taught in Knee.

### **Claim 51**

The combination Knee-Throckmorton further discloses:

*receiving multiple target specifications for a program (Knee; see at least FIG. 43A, item 401; “i” icon; the “\*” item referencing a screen – FIG. 44 – which displays items to purchase related to a particular program); and*

*prioritizing the multiple target specifications according to viewer preferences (Knee; see at least 43:7-11; Knee teaches screens that may be configured according to user preferences).*

### **Claim 52**

The combination Knee-Throckmorton further discloses *wherein the compiling comprises searching the EPG for interactive programs (Knee; see at least FIGs. 51; 34:20-27).*

### **Claim 53**

The combination Knee-Throckmorton further discloses *wherein the target specification is selected from the group comprising:*

*a memory pointer* (Throckmorton; see at least 65-67);  
*a hyperlink* (Throckmorton; see at least 9:1-25; 3:59-67; 6:60-63; 7:41-46; 8:65-67); and  
*a universal resource locator (URL)* (Throckmorton; see at least 9:1-25; 3:59-67; 6:60-63; 7:41-46; 8:65-67).

### **Claim 54**

Knee discloses at least *in a system having an electronic programming guide (EPG)* (see at least FIG. 1), *a method comprising:*

*correlating additional information with corresponding programming information in the EPG* (see at least FIG. 20, item 203; 20:3-12; 46:1-8; 47:19-21); and  
*searching the EPG to identify interactive programs within the programming information* (see at least 34:12-34).

Knee does not specifically disclose that

Knee's additional information is *user entered hyperlinks*;  
*wherein the user enters the hyperlinks through an EPG user interface (UI) supported by the EPG*; and that programming information *have correlated hyperlinks*.

However, in an analogous art, Throckmorton teaches a system that allows additional interactivity by adding a two way communication channel to the user interface so that online services or the Internet may be accessed using associated data that contains pointers to locations (Internet URLs) in the online services or the

Internet which are relevant to the TV program (see at least Abstract; FIG. 5; 3:55-67; 6:54 - 7:12; 7:36-52; 8:16 - 9:25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Throckmorton with Knee because this combination would allow a user using the Knee system to enter additional URLs in the interface provided by Throckmorton to access to online services or the Internet for supplemental information related to TV programs, thereby enhancing the effectiveness of EPG taught in Knee.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner’s supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/  
Primary Examiner, Art Unit 2623

May 24, 2008